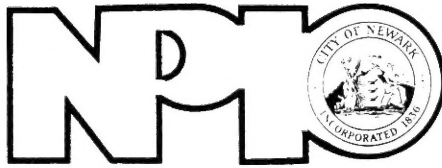


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Newark Sues Lead Pigment Industry

***Charges Lead Manufacturers with
Knowingly Poisoning Newark Children***

***Seeks Damages for Detection, Abatement,
Treatment and Education***

In January 1955 a letter from the Lead Industries Association's executive director publicly admitted that lead in paint was destroying children's health. Almost 47 years later, lead contaminated paint continues to poison the children of New Jersey's largest city.

And, today Newark took action against the lead pigment industry, charging in a lawsuit filed Essex County Superior Court that the industry has been knowingly poisoning the children of Newark for almost five decades, Mayor Sharpe James announced during a press conference in his office.

"It has been almost half a century since this industry openly admitted that lead in paint was destroying children's health, and 23 years since lead paint was banned over its objections, yet thousands of Newark children continue to be poisoned by the products that reaped these companies millions of dollars in profits," said James

"We are filing this suit," he explained, "because lead paint makers have done nothing to remove the land mines they placed in our homes or to rectify the harm they intentionally inflicted on our children. Our litigation will force these companies to respect our citizens, value our children, and make amends for the incalculable damage they have done. We need solutions to childhood lead poisoning, not excuses, buck-passing, finger pointing or ethnic stereotyping.

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Lead Suit ad 1

The defendants in the case are the industry trade group, the Lead Industries Association (LIA), and eight manufacturers: American Cyanamid Company, Atlantic Richfield Company, ConAgra Grocery Products Company, E.I. DuPont De Nemours and Company, The O'Brien Corporation, The Glidden Company, NL Industries, Inc., SCM Chemicals, and The Sherwin-Williams Company.

Citing LIA documents, James charged, "The industry has repeatedly written off this child health tragedy as a 'slum problem' and blamed 'Negro and Puerto Rican' parents as being 'ineducable.' By holding these companies accountable for their irresponsibility and bigotry, we will make them part of the solution,"

The Mayor referred to a January 11, 1955 letter written by Lead Industries Association Health and Safety Director Manfred Bowditch, which read:

"[C]hildhood lead poisoning is common enough to constitute perhaps my major 'headache,' this being in part due to the very poor prognosis in many such cases, and also to the fact that the only real remedy lies in educating a relatively ineducable category of parents. It is mainly a slum problem with us . .

In a July 11, 1956 letter to Assistant Secretary of the Interior Felix Wormser, Bowditch wrote:

"Aside from the kids who are poisoned (and we still don't know how many there are,) it's a serious problem from the viewpoint of adverse publicity. The basic solution is to get rid of the slums, but even Uncle Sam can't seem to swing that one. Next in importance is to educate the parents, but most of the cases are Negro and Puerto Rican families, and how does one tackle that job?"

"This industry put greed ahead of children's needs," James charged. "Since at least the 1930s, these companies had the ability to make safe, lead-free paints, but chose to market them to farmers to protect the health of barn animals while selling lead paint for children's furniture. In the 1950s, they treated childhood lead poisoning as a public relations 'headache,' not a public health crisis, and assumed they could get away with it because most of the poisoned children were minorities and poor."

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Lead Suit ad 2

Despite efforts by the City to educate the public and combat and treat lead poisoning, James claimed that the enormity of the problem taxes Newark's limited resources. "We are an old city with close to 92 percent of our housing stock built prior to 1980. Lead is a major issue, and ridding our homes of lead paint is a high priority if we want to improve the quality of life for all Newarkers—particularly our children, who will be tomorrow's leaders. We are making strides, but we simply don't have the expendable dollars to remediate all of the 34,000 units believed to contain lead based paint."

Newark has been hard hit by childhood lead poisoning and has the highest numbers of affected children in New Jersey. In 2000, 1,244 of 7,371 Newark children under age six tested for lead poisoning had unhealthy lead blood levels. In total, it is estimated that 10,000 children in the city have been lead poisoned. The primary cause is Newark's older housing stock. Any home built before 1978 is likely to have lead paint inside. The invisible lead-filled dust caused by the friction of doors and windows opening, the natural aging process and renovation projects gets on children's hands and then into their bodies.

Childhood lead poisoning can cause brain damage, lowered IQs, learning disabilities, hearing impairment, kidney damage and other ailments. If not treated promptly and effectively, and if the source of lead poisoning is not properly removed, this damage can last a lifetime, permanently destroying the child's future potential.

In response, the City of Newark was the first city in New Jersey to establish a "Safe House" program where children with elevated blood levels (EBLs) have been relocated to lead free housing while their primary residences are rendered lead safe. The City also is using a HUD grant to aid low-income families with lead abatement, has implemented an aggressive public relations and prevention program, investigates and prosecutes negligent landlords, and works with community organizations and residents to protect children at risk.

With its filing today in Essex County Superior Court, Newark is the ninth governmental entity to pursue municipal "public nuisance" litigation against the lead paint industry. Similar suits have been filed by the state of Rhode Island, Santa Clara and San Francisco Counties in California and such cities as San Francisco, Oakland, Milwaukee, New York and St. Louis.